

Children who are about to Reach 21 Years of Age

Important Information

If you have children who intend to immigrate with you to the United States, or to join you in the United States at a later date, please read this important information.

This applies to the following classification of immigration visas:

K-2

K-4

IR-2

F2A

F2X

F-3

F-4

In order to immigrate with you to the United States, or to follow you at a later date, your children must be unmarried and under the age of 21 at the time they enter the United States.

Who to notify

If any of your children will turn 21 within 60 days, please notify the United States Embassy or Consulate immediately.

Note: If visas will be available in your category prior to your son or daughter's birthday, your case will receive expedited processing in order to ensure that your son or daughter will be able to immigrate with you. Unfortunately, the United States Embassy or Consulate cannot assist you if visas are not available in your category prior to your son or daughter's birthday.

Failure to notify

Failure to notify the United States Embassy or Consulate that you have a child who will turn 21 could result in that child being above the legal age at the time your visa is issued. In that event, you will be required to file a separate petition for your child after you immigrate, and your son or daughter will face a waiting period before he or she will be eligible for visa processing.

Child Status Protection Act “CSPA”.

The intent of the CSPA is to preserve child status for certain beneficiaries who “aged out” before the issuance of their visas; in particular, those who “aged out” because of delays in visa processing.

The CSPA applies to the following immigrant visa categories:

- 1) Children of American citizens and Lawful Permanent Residents (LPRs) (IR-2 and F2A principal applicants).
- 2) Derivatives in all family and employment-based preference categories (F1, F2, F3, F4, and E categories).

CSPA can only be applied in cases where:

- 1) The IV petition was approved on/after August 6, 2002; or
- 2) The applicant aged out on/after August 6, 2002 (including the Patriot Act 45-day extension, if applicable); or
- 3) The applicant aged out before August 6, 2002, but applied for a visa before aging out and was refused under section 221(g).

Please note that the CSPA is a very complicated law, and there are a number of criteria not addressed here that must be met for a beneficiary to be eligible for its protection.